

May 18, 2011

Chairman Julius Genachowski  
Commissioner Michael J. Copps  
Commissioner Robert M. McDowell  
Commissioner Mignon Clyburn  
Commissioner Meredith Attwell Baker

Federal Communications Commission  
445 12th Street S.W.  
Washington, DC 20554

**Re: 11-75** Media Bureau Announces filing of application for consent to the assignment of Noncommercial Educational Television Station License for WMFE-TV Orlando Florida.

Dear Chairman Genachowski and Commissioners:

I am writing to respectfully express my concern for the assignment of WMFE's Noncommercial Educational Television Station License to the Community Educators of Orlando Inc. I oppose the assignment for the following reasons:

1. COMMUNITY EDUCATORS OF ORLANDO INC. DOES NOT MEET THE REQUIREMENTS OF A NONCOMMERCIAL EDUCATIONAL BROADCAST STATION UNDER 47 C.F.R. § 73.621 AND IS INELIGIBLE TO RECEIVE AN ASSIGNMENT FROM WMFE.

Despite the name of the legal entity, it is unclear to me that Community Educators of Orlando Inc. has the capacity to actually "serve the educational needs of the community" as required by 47 C.F.R. § 73.621(a). Further the federal statute requires that noncommercial educational broadcast stations will be licensed "only to nonprofit educational organizations upon a showing that the proposed stations will be used primarily to serve the educational needs of the community; for the advancement of educational programs; and to furnish a nonprofit and noncommercial television broadcast service." *Id.* Thus, the Community Educators of Orlando Inc. must affirmatively show that it meets this criteria of 1) contributing to the educational needs of 2) Central Florida's general public (and not just a subset of the population which meet certain religious and other demographic criteria) and 3) the station must primarily advance educational programs in a nonprofit and noncommercial television broadcast. So far, I have seen no evidence that Community Educators of Orlando Inc. has affirmatively proven either one of these criteria.

Even more troubling, federal statute requires that "[i]n determining the eligibility of privately controlled educational organizations, the accreditation of state departments of education or recognized regional and national educational accrediting organizations shall be taken into consideration." 47 C.F.R. § 73.621(a)(2). It is impossible for this entity to demonstrate that it may provide for the needs of the community or that it is an accredited educational institution as it has only been in existence for less than two months! According to its articles of incorporation, this entity was formed on 3/31/2011, just a short time before the announcement of the assignment. See [http://www.sunbiz.org/scripts/cordet.exe?action=DETFIL&inq\\_doc\\_number=N11000003376&inq\\_came\\_from=NAMFW D&cor\\_web\\_names\\_seq\\_number=0000&names\\_name\\_ind=N&names\\_cor\\_number=&names\\_name\\_seq=&names\\_name\\_ind=&names\\_comp\\_name=COMMUNITYEDUCATORSORLANDO&names\\_filing\\_type](http://www.sunbiz.org/scripts/cordet.exe?action=DETFIL&inq_doc_number=N11000003376&inq_came_from=NAMFW D&cor_web_names_seq_number=0000&names_name_ind=N&names_cor_number=&names_name_seq=&names_name_ind=&names_comp_name=COMMUNITYEDUCATORSORLANDO&names_filing_type) I urge you to heed the clear language of the statute and provide weight to the fact that the organization is not accredited, and has no track record of providing any educational programming for the general public.

There is no other explanation for these facts, other than that this entity was formed to take advantage of WMFE's financial woes and purchase part of Central Florida's cultural heritage at far below market value. This is not an assignment to a bona fide educational institution as contemplated by the drafters of the federal statute. As federal D.C circuit courts has stated, noncommercial educational broadcast stations are synonymous with public education and these stations are public goods, not to be sold off in a fire sale in the middle of night with hardly any notice to stakeholders or the community. The

following holding provides some insight into the drafter's intent and illuminates the precise reason for which the assignment should not be upheld by the FCC.

The term "public broadcasting" came into use following the passage of the Public Broadcasting Act of 1967; while public broadcasting technically does not include instructional programming, educational broadcasting and public broadcasting are generally used interchangeably.

*Community Service Broadcasting of Mid-America v. FCC*, 593 F.2d 1102, 1105 (D.C. Cir. 1978).

The farcical nature of this purchase is illustrated by the fact that the entity entitled Community Educators of Orlando Inc., according to its FCC filing, has a Texas address! See [https://licensing.fcc.gov/cgi-bin/ws.exe/prod/cdbs/forms/prod/cdbsmenu.htm?context=25&appn=101422630&formid=314&fac\\_num=12855](https://licensing.fcc.gov/cgi-bin/ws.exe/prod/cdbs/forms/prod/cdbsmenu.htm?context=25&appn=101422630&formid=314&fac_num=12855). This unknown front corporation which has no employees, no physical location, no ties to our community and no track record of providing for the educational needs of any community, should not be allowed to receive this assignment in clear violation of federal law.

## 2. WMFE IS A PART OF OUR CULTURE.

I have lived in Central Florida since 1990 and, like many, was raised and educated on Sesame Street and Mr. Rogers. In fact, as I write this comment, I am also watching Nova. WMFE is a part of Central Florida and is a part of our cultural and shared identity, just as are Lake Eola and the Orlando Magic. Typically heirlooms are sold as a premium because heirlooms provide more to the heirloom owner than to someone who not history with an item. To continue with this analogy, the odd thing here is that we are selling "Grandma's Brooch" for far less than it is worth. I fail to see why this is necessary, desirable or advisable.

## 3. WMFE EDUCATES US AND MAKES US BETTER PEOPLE.

As a former educator, I am concerned that this assignment will reduce the ability of parents to expose their children to readily available educational content. According to economists, education is a classic good that provides many positive externalities—meaning that WMFE as an educational institution is an investment that will continue to pay dividends and makes Central Florida a better place.

I urge the FCC to heed both the passionate voices of the people as well the calm, objective voice of the rule of law. They both sound in one accord: let Mr. Rogers remain in Central Florida.

Sincerely,

Joel N. Leppard